

**§ 93. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762**

Section, act Sept. 21, 1922, ch. 356, title III, § 318d, 42 Stat. 947, related to establishment of an office at the port of New York. See section 1331 of this title.

**§ 94. Omitted**

CODIFICATION

Section, act July 19, 1919, ch. 24, 41 Stat. 182, providing that the disbursing clerk of the Treasury Department should act in a similar capacity for the Commission, was a proviso repeated in successive appropriation acts but which has not been repeated in recent years.

**§ 95. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762**

Section, act Sept. 21, 1922, ch. 356, title III, § 318(e), 42 Stat. 947, related to adoption of an official seal, and judicial notice thereof. See section 1331 of this title.

**§§ 96 to 98. Omitted**

CODIFICATION

Section 96, act Sept. 8, 1916, ch. 463, § 702, 39 Stat. 796, related to investigation of administration and fiscal and industrial effects of the customs laws. See section 1332(a) of this title.

Section 97, act Sept. 8, 1916, ch. 463, § 703, 39 Stat. 796, related to conveyance of information to committees of Congress. See section 1332(g) of this title.

Section 98, act Sept. 8, 1916, ch. 463, § 704, 39 Stat. 796, related to investigative powers of the Commission over commercial transactions and relations with foreign countries. See section 1332(b) of this title.

**§ 99. Repealed. Pub. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643**

Section, act Sept. 8, 1916, ch. 463, § 705, 39 Stat. 796, related to transfer of certain employees to the Commission.

**§ 100. Omitted**

CODIFICATION

Section, act Sept. 8, 1916, ch. 463, § 706, 39 Stat. 797, as amended by act Sept. 21, 1922, ch. 356, title III, § 318(f), 42 Stat. 947, related to testimony and production of papers. See section 1333(a) to (e) of this title.

**§ 101. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643**

Section, act Sept. 8, 1916, ch. 463, § 707, 39 Stat. 797, related to cooperation by the Commission with other agencies. See section 1334 of this title.

**§§ 102 to 104. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762**

Section 102, act Sept. 21, 1922, ch. 356, title III, § 318(a), 42 Stat. 948, related to conveyance of conversion and production cost information to the President and Congress. See section 1332(d) of this title.

Section 103, act Sept. 21, 1922, ch. 356, title III, § 318(c), 42 Stat. 947, related to powers of the commission under title VII of the Revenue Act of 1916 and its power to require statements by importers and any American grower, producer, manufacturer, or seller as to their selling prices in the United States.

Section 104, act Sept. 21, 1922, ch. 356, title III, § 318(b), 42 Stat. 947, defined the terms “article” and “import costs”. See section 1332(e) of this title.

**§ 105. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643**

Section, act Sept. 8, 1916, ch. 463, § 708, 39 Stat. 798, related to unauthorized divulging of information and punishment for offenses.

**§ 106. Omitted**

CODIFICATION

Section, act Sept. 8, 1916, ch. 463, § 709, 39 Stat. 798, authorized an annual appropriation to defray the expenses of the Commission. Since the passage of the Tariff Act of June 17, 1930, ch. 497, 46 Stat. 590, appropriations for the Commission have been made in annual Executive Office appropriation bills.

**§ 107. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111**

Section, act Feb. 20, 1929, ch. 270, 45 Stat. 1243 (repeated as a proviso in subsequent appropriations for the Commission), related to procurement of supplies and services. Act February 20, 1929, and the similar provisos in subsequent appropriation acts, were repealed by act Oct. 10, 1940. A similar provision was enacted by act Oct. 10, 1940, as part of the consolidated exceptions to section 5 of Title 41, Public Contracts.

**CHAPTER 3—THE TARIFF AND RELATED PROVISIONS**

SUBTITLE I—DUTIABLE LIST

Sec.

121. Repealed.

SUBTITLE II—FREE LIST

122. Repealed.

SUBTITLE III—SPECIAL PROVISIONS

CUBA AND CANAL ZONE

123 to 125. Repealed, Transferred, or Omitted.

126. Imports from Canal Zone.

COUNTERVAILING AND DISCRIMINATING DUTY

127. Repealed.

128. Discriminating duty on goods imported in foreign vessels or from foreign countries; exception.

129. Discriminating duties.

COUNTRY OF ORIGIN

130. Importation only in vessels of United States or of country of origin.

131. Vessels, goods, etc., of nations not maintaining similar regulations; vessels of citizens of the United States.

132, 133. Repealed.

MEDICINAL PREPARATIONS

134. Repealed.

IMPORTATIONS PROHIBITED

135 to 143. Repealed.

SPECIAL PROVISIONS FOR ADMISSION OR WITHDRAWAL FROM BONDED WAREHOUSE WITHOUT PAYMENT OF DUTY

144. Repealed.

144a. Entry under bond of exhibits of arts, sciences, and industries, and products of soil, mine, and sea.

145 to 147. Repealed.

BONDED WAREHOUSES

148 to 150. Repealed.

151. Bonded warehouses for storage and cleansing of imported garbanzo; withdrawals.

Sec.

## DRAWBACKS

152 to 152b. Repealed.

## REIMPORTING EXPORTED ARTICLES

153. Repealed.

## EQUALIZING PRODUCTION COSTS

154 to 159. Repealed.

## ANTIDUMPING

160 to 171. Repealed.

## ADDITIONAL DEFINITIONS

172. Omitted.

## RULES AND REGULATIONS

173. Omitted.

UNFAIR METHODS OF COMPETITION AND IMPORTATION  
UNLAWFUL

174 to 180. Repealed.

## IMPORTS FROM COUNTRIES MAKING DISCRIMINATIONS

181. Exclusion of imports from countries making  
discriminations.

182 to 190. Repealed.

## SPECIAL PROVISIONS

191 to 196a. Repealed.

## PAYMENT OF DUTY

197. Duties, how payable.

198. Certified checks; receivable for all public  
dues; lien for payment of.

199. Judgments, how payable.

## SUBTITLE IV—CUSTOMS ADMINISTRATION

## ADMINISTRATIVE PROVISIONS

## PART 1—DEFINITIONS

231. Repealed.

232. "Port" defined.

233. Departure from prescribed forms.

234 to 239. Repealed.

240. Value at date of shipment.

PART 2—REPORT, ENTRY, AND UNLADING OF VESSELS  
AND VEHICLES

241 to 266. Repealed or Omitted.

267. Overtime and premium pay for customs offi-  
cers.

(a) Overtime pay.

(b) Premium pay for customs officers.

(c) Limitations.

(d) Regulations.

(e) Definitions.

267a. Foreign language proficiency awards.

268 to 282. Repealed.

283. Duty on saloon stores.

284 to 287. Repealed.

288. Documented vessels.

289 to 292. Repealed.

293. Documented vessels touching at foreign  
ports.294. No duty by reason of documented vessel  
touching at foreign port.PART 3—ASCERTAINMENT, COLLECTION, AND RECOVERY  
OF DUTIES

331 to 337. Repealed.

338. Indorsement upon invoice; port of entry.

339. Restriction on consular certificates.

340. Consuls to exact proof of invoice.

341. Fraudulent practices; consul's report.

342 to 390. Repealed.

Sec.

391. Ascertainment of duties on grain.

392 to 420. Repealed or Omitted.

PART 4—TRANSPORTATION IN BOND AND WAREHOUSING OF  
MERCHANDISE

451 to 459. Repealed.

460. Retention of distilled spirits, wines, etc., in  
warehouse during prohibitory period.

461 to 466. Repealed.

467. Imported distilled spirits, wines, or malt liq-  
uors; regulations for marks, brands, and  
stamps or devices on bulk containers; for-  
feitures.468. Stamps and brands effaced on emptying pack-  
ages of imported liquors.469. Dealing in or using empty stamped imported  
liquor containers.

471 to 475. Repealed.

## PART 5—ENFORCEMENT PROVISIONS

481. Repealed.

482. Search of vehicles and persons.

483 to 506. Repealed.

507. Officers to make character known; assistance  
for officers.508. Persons making seizures pleading general  
issue and proving special matter.

509 to 526. Repealed.

527. Sums received from fines and other receipts  
covered into Treasury.528. Appropriate customs officer to receive  
amount recovered.

529 to 534. Repealed or Omitted.

535. Compulsory production of books, invoices, or  
papers.

536. Repealed.

537. Officers, informers, and defendants as wit-  
nesses.

538, 539. Repealed.

540. President may use suitable vessels for enforc-  
ing customs laws.

541, 542. Repealed.

## PART 6—GENERAL PROVISIONS

571 to 573. Repealed.

574. Exemption from taking other oaths.

575 to 579. Repealed.

580. Interest in suits on bonds for recovery of du-  
ties.

## SUBTITLE I—DUTIABLE LIST

**§ 121. Repealed. June 17, 1930, ch. 497, title IV,  
§ 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Section, act Sept. 21, 1922, ch. 356, title I, § 1, 42 Stat. 858, related to articles dutiable, rates and schedules. Corresponding provisions of Tariff Act of 1930, see section 1202 of this title.

## SUBTITLE II—FREE LIST

**§ 122. Repealed. June 17, 1930, ch. 497, title IV,  
§ 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Section, act Sept. 21, 1922, ch. 356, title II, § 201, 42 Stat. 922, related to the free list. Corresponding provisions of Tariff Act of 1930, see section 1202 of this title.

## SUBTITLE III—SPECIAL PROVISIONS

## CUBA AND CANAL ZONE

**§ 123. Repealed. June 17, 1930, ch. 497, title IV,  
§ 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Section, act Sept. 21, 1922, ch. 356, title III, § 301, 42 Stat. 934, related to duties upon articles coming from or imported into Philippine Islands. Corresponding pro-

visions of Tariff Act of 1930 were covered by section 1301 of this title [repealed]. See section 1202 of this title, chapter 15 of Title 22, Foreign Relations and Inter-course, sections 5001, 5007 of Title 26, Internal Revenue Code, and section 734 of Title 48, Territories and Insular Possessions.

### § 123a. Transferred

#### CODIFICATION

Provisions of this section, act Mar. 8, 1902, ch. 140, §4, 32 Stat. 54, were transferred to section 3343(b) of Title 26, Internal Revenue Code of 1939, and were repealed by act Apr. 30, 1946, ch. 244, title V, §506(b), 60 Stat. 157, eff. July 4, 1946.

### §§ 124, 125. Omitted

#### CODIFICATION

Sections 124 and 125, sections 1 and 2 of act Dec. 17, 1903, ch. 1, 33 Stat. 3, relating to the admission of goods from Cuba at a reduced rate, and with no additional charges, so long as the Convention between the United States and Cuba, signed on the 11th day of December, 1902, shall remain in force, were omitted in view of the termination of such convention on August 21, 1963, pursuant to notice given by the United States on Aug. 21, 1962 (see Bevans, Treaties and Other International Agreements of the United States of America, 1776-1949, vol. VI, page 1106), and in view of section 401 of Pub. L. 87-456, title IV, May 24, 1962, 76 Stat. 78, set out as a note under section 1351 of this title, which designated Cuba as a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement.

### § 126. Imports from Canal Zone

All laws affecting imports of articles, goods, wares, and merchandise and entry of persons into the United States from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia.

(Mar. 2, 1905, ch. 1311, 33 Stat. 843.)

#### REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Inter-course.

#### COUNTERVAILING AND DISCRIMINATING DUTY

### § 127. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, §303, 42 Stat. 935, related to countervailing duty upon articles on which export bounty had been paid. Corresponding provisions of Tariff Act of 1930, see section 1303 of this title.

### § 128. Discriminating duty on goods imported in foreign vessels or from foreign countries; exception

A discriminating duty of 10 per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discrimi-

nating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or Act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be documented under chapter 121 of title 46, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade.

(Oct. 3, 1913, ch. 16, §IV, J, subsec. 1, 38 Stat. 195; Mar. 4, 1915, ch. 171, §1, 38 Stat. 1193; June 17, 1930, ch. 497, title IV, §651(d), 46 Stat. 763; Pub. L. 103-182, title VI, §689(a)(1), Dec. 8, 1993, 107 Stat. 2222.)

#### CODIFICATION

Section is a composite of acts Oct. 3, 1913, ch. 16, and Mar. 4, 1915, ch. 171, as amended. The words “nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be documented under chapter 121 of title 46,” are based on the nonspecific amendment of act Oct. 3, 1913, by act Mar. 4, 1915, as amended.

Section is also classified in part to section 146 of the Appendix to Title 46, Shipping.

#### AMENDMENTS

1993—Pub. L. 103-182, which directed the amendment of act Oct. 3, 1913, by substituting “documented under chapter 121 of title 46,” for “registered as a vessel of the United States,” was executed by making the substitution in that part of this section comprised of provisions of act Mar. 4, 1915. See Codification note above.

#### AMENDMENT OR REPEAL; EXCEPTION

Section is expressly excepted from amendment or repeal by the Tariff Act of 1930 (act June 17, 1930, ch. 497, title IV, 46 Stat. 763) by section 651(d) of that act which is classified to section 1651(d) of this title.

### § 129. Discriminating duties

No part of the additional or discriminating duty imposed by law on merchandise on account of its importation in foreign vessels shall be allowed to be drawback, but the whole shall be retained.

(R.S. §3027.)

#### CODIFICATION

R.S. §3027 derived from acts May 13, 1800, ch. 64, §2, 2 Stat. 83; Aug. 30, 1842, ch. 270, §15, 5 Stat. 563.

#### COUNTRY OF ORIGIN

### § 130. Importation only in vessels of United States or of country of origin

No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country

of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section or section 128 of this title, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

(Oct. 3, 1913, ch. 16, § IV, J, subsec. 2, 38 Stat. 196; June 17, 1930, ch. 497, title IV, § 651(d), 46 Stat. 763.)

#### AMENDMENT OR REPEAL; EXCEPTION

Section is expressly excepted from repeal or amendment by the Tariff Act of 1930 (act June 17, 1930, ch. 497, title IV, 46 Stat. 763) by section 651(d) of that act which is classified to section 1651(d) of this title.

### § 131. Vessels, goods, etc., of nations not maintaining similar regulations; vessels of citizens of the United States

Section 130 of this title shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against United States documented vessels nor to any vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be documented under chapter 121 of title 46.

(Oct. 3, 1913, ch. 16, § IV, J, subsec. 3, 38 Stat. 196; Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193; June 17, 1930, ch. 497, title IV, § 651(d), 46 Stat. 763; Pub. L. 103-182, title VI, § 689(a)(2), Dec. 8, 1993, 107 Stat. 2222.)

#### CODIFICATION

Section is a composite of acts Oct. 3, 1913, ch. 16, and Mar. 4, 1915, ch. 171, as amended. The words “nor to any vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be documented under chapter 121 of title 46” are based on the nonspecific amendment of act Oct. 3, 1913, by act Mar. 4, 1915, as amended.

#### AMENDMENTS

1993—Pub. L. 103-182, § 689(a)(2)(B), which directed the amendment of act Oct. 3, 1913, by substituting “documented under chapter 121 of title 46” for “registered as a vessel of the United States”, was executed by making the substitution in that part of this section comprised of provisions of act Mar. 4, 1915. See Codification note above.

Pub. L. 103-182, § 689(a)(2)(A), substituted “United States documented vessels” for “vessels of the United States”.

#### AMENDMENT OR REPEAL; EXCEPTION

Section is expressly excepted from amendment or repeal by the Tariff Act of 1930 (act June 17, 1930, ch. 497, title IV, 46 Stat. 763) by section 651(d) of that act which is classified to section 1651(d) of this title.

### §§ 132, 133. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Sections, act Sept. 21, 1922, ch. 356, title III, § 304(a), (b), 42 Stat. 936, related to marking imported articles and packages to indicate country of origin and penalty for violation of same.

Corresponding provisions of Tariff Act of 1930, see section 1304 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective sixty days after enactment of repealing act.

#### MEDICINAL PREPARATIONS

### § 134. Repealed. Aug. 8, 1953, ch. 397, § 4(b), 67 Stat. 509

Section, R.S. § 2934, required that imported medicinal preparations be marked with the name of the true manufacturer and the place where they were prepared, and provided for forfeiture in the absence of such names. Present provisions relating to the regulation and control of drugs are contained in section 351 et seq., of Title 21, Food and Drugs.

#### EFFECTIVE DATE OF REPEAL; SAVINGS PROVISION

Repeal effective on and after thirtieth day following Aug. 8, 1953, and savings provision, see notes set out under section 258 of this title.

#### IMPORTATIONS PROHIBITED

### §§ 135 to 143. Repealed. June 17, 1939, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §§ 305(a), (c), 306(a)–(c), 307, title IV, § 526(a)–(c), 42 Stat. 936, 937, 975, related to prohibitions on importation of obscene books, neat cattle, convict goods, merchandise bearing trade marks owned by citizens and enforcement provisions.

Provisions of Tariff Act of 1930 corresponding to section 135, see section 1305 of this title; section 136, see section 1305; section 137, see section 1306; section 138, none; section 139, none; section 140, see section 1307; section 141, see section 1526(a); section 142, see section 1526(b); section 143, see section 1526(c).

#### SPECIAL PROVISIONS FOR ADMISSION OR WITHDRAWAL FROM BONDED WAREHOUSE WITHOUT PAYMENT OF DUTY

### § 144. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 308, 42 Stat. 938, related to admission without payment of duty under bond for exportation.

### § 144a. Entry under bond of exhibits of arts, sciences, and industries, and products of soil, mine, and sea

All articles which shall be imported from foreign countries for the sole purpose of exhibition or display at a permanent exhibition or exhibitions and/or at a temporary exhibition or exhibitions of the arts, sciences, and industries, and products of the soil, mine, and sea, to be held at any time and from time to time by Rockefeller Center (Incorporated), a corporation organized under the laws of the State of New York, and/or by its tenants or licensees in a building or buildings to be owned by Rockefeller Center (Incorporated), and to be a part of and to be known as

Rockefeller Center and to be located between Fifth and Sixth Avenues and Forty-eighth and Fifty-first Streets, in the Borough of Manhattan, city and State of New York, upon which articles there shall be a tariff or customs duty, shall be admitted free of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful, at any time during or at the close of any exhibition held pursuant to this section, to sell for delivery at the close thereof any goods or property imported for and actually displayed at such exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal and to the requirements of the tariff laws in effect at such date: *And provided further*, That Rockefeller Center (Incorporated) shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this section, and that all necessary governmental expenses incurred as a result of exhibitions authorized under this section, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by Rockefeller Center (Incorporated) under regulations to be prescribed by the Secretary of the Treasury: *And provided further*, That all such articles shall, at the expiration of two years, be subject to the impost duty then in force, unless the same shall have been sold or exported from this country prior to that period of time: *And provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any articles for the purpose of exhibition at the said exhibitions.

(July 19, 1932, ch. 511, 47 Stat. 705.)

#### IMMUNITY FROM SEIZURE UNDER JUDICIAL PROCESS OF CULTURAL OBJECTS IMPORTED FOR TEMPORARY EXHIBITION OR DISPLAY

Presidential determination of cultural significance of objects and exhibition or display thereof in the national interest, see section 2459 of Title 22, Foreign Relations and Intercourse.

#### §§ 145 to 147. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section 145, acts June 26, 1884, ch. 121, § 16, 23 Stat. 57; June 19, 1886, ch. 421, § 15, 24 Stat. 82; July 24, 1897, ch. 11, § 14, 30 Stat. 207, related to supplies for vessels in foreign trade or trade between Atlantic and Pacific. See section 1309 of this title.

Section 146, act Sept. 21, 1922, ch. 356, title III, § 309, 42 Stat. 938, related to supplies to war vessels free of duty. See section 1309 of this title.

Section 147, act Sept. 21, 1922, ch. 356, title III, § 310, 42 Stat. 938, related to admission free of duty of merchandise of sunken and abandoned vessels. See section 1310 of this title.

#### BONDED WAREHOUSES

#### §§ 148 to 150. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §§ 311, 312, 42 Stat. 938-940, related to bonded manufacturing and smelting warehouses and enforcement provisions. Provisions of Tariff Act of 1930 corresponding to section 148, see section 1311 of this title; section 149, see section 1312; section 150, see section 1312.

#### § 151. Bonded warehouses for storage and cleaning of imported garbanzo; withdrawals

Under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported Mexican peas, commonly called garbanzo may be stored, cleaned, repacked or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon. The whole or any part of such imported garbanzo, and the waste material and by-products incident to cleaning or otherwise treating said imported garbanzo, may be withdrawn for domestic consumption upon the payment on the quantity so withdrawn of the duty imposed by law on such garbanzo in their condition as imported. The compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the appropriate customs officer and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

(June 28, 1916, ch. 180, 39 Stat. 239; Pub. L. 91-271, title III, § 310, June 2, 1970, 84 Stat. 292.)

#### AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector of customs.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-271 effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as a note under section 1500 of this title.

#### DRAWBACKS

#### § 152. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 313, 42 Stat. 940, related to drawbacks on certain articles made from imported materials. For corresponding provisions of Tariff Act of 1930, see section 1313 of this title.

#### §§ 152a, 152b. Repealed. Oct. 31, 1951, ch. 655, § 56(d), 65 Stat. 729

Sections, act Mar. 8, 1902, ch. 140, §§ 6, 7, 32 Stat. 55, related to drawbacks in connection with articles shipped to, or reexported to, the Philippines. Prior to this repeal, they had been omitted in view of the independence of the Philippines.

#### SAVINGS PROVISION

Subsec. (I) of section 56 of act Oct. 31, 1951, provided that the repeal of these sections shall not affect any

rights or liabilities existing hereunder on the effective date of such repeal (Oct. 31, 1951).

#### REIMPORTING EXPORTED ARTICLES

### § 153. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, §314, 42 Stat. 941, related to duty on articles reimported after exportation free of internal-revenue taxes.

#### EQUALIZING PRODUCTION COSTS

### §§ 154 to 159. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §315(a)–(f), 42 Stat. 941–943, related to procedure where duties do not equalize differences in costs of production in United States and principal competing country and rules and regulations for entry and declaration of articles.

Provisions of Tariff Act of 1930 corresponding to section 154, see section 1336(a) of this title; section 155, see section 1336(b); section 156, see section 1336(e); section 157, none; section 158, see section 1336(i); section 159, see section 1336(j).

#### ANTIDUMPING

### §§ 160 to 171. Repealed. Pub. L. 96–39, title I, § 106(a), July 26, 1979, 93 Stat. 193

Section 160, acts May 27, 1921, ch. 14, §201, 42 Stat. 11; Sept. 1, 1954, ch. 1213, title III, §301, 68 Stat. 1138; Aug. 14, 1958, Pub. L. 85–630, §§1, 4(b), 72 Stat. 583, 585; Jan. 3, 1975, Pub. L. 93–618, title III, §321(a), 88 Stat. 2043, related to initiation of a dumping investigation. See section 1673 et seq. of this title.

Section 161, acts May 27, 1921, ch. 14, §202, 42 Stat. 11; Sept. 1, 1954, ch. 1213, title III, §302, 68 Stat. 1139; Aug. 14, 1958, Pub. L. 85–630, §§2, 4(b), 72 Stat. 583, 585; June 2, 1970, Pub. L. 91–271, title III, §311, 84 Stat. 292, related to collection of a special dumping duty. See section 1673 et seq. of this title.

Section 162, acts May 27, 1921, ch. 14, §203, 42 Stat. 12; Jan. 3, 1975, Pub. L. 93–618, title III, §321(b), 88 Stat. 2045, related to determination of purchase price of merchandise for purposes of sections 160 to 171 of this title. See section 1673 et seq. of this title.

Section 163, acts May 27, 1921, ch. 14, §204, 42 Stat. 13; Jan. 3, 1975, Pub. L. 93–618, title III, §321(c), 88 Stat. 2046, related to determination of price at which merchandise is sold or agreed to be sold in United States. See section 1677a of this title.

Section 164, acts May 27, 1921, ch. 14, §205, 42 Stat. 13; Aug. 14, 1958, Pub. L. 85–630, §3, 72 Stat. 584; Jan. 3, 1975, Pub. L. 93–618, title III, §321(d), 88 Stat. 2046, related to foreign market value of goods for purposes of sections 160 to 171 of this title. See section 1677b of this title.

Section 165, acts May 27, 1921, ch. 14, §206, 42 Stat. 213; Aug. 14, 1958, Pub. L. 85–630, §4(a), 72 Stat. 584, related to constructed value of merchandise for purposes of sections 160 to 171 of this title. See section 1673 et seq. of this title.

Section 166, act May 27, 1921, ch. 14, §207, 42 Stat. 14, defined “exporter” as used in sections 160 to 171 of this title. See section 1677(13) of this title.

Section 167, acts May 27, 1921, ch. 14, §208, 42 Stat. 14; June 2, 1970, Pub. L. 91–271, title III, §312, 84 Stat. 292, related to oaths and bonds given in case of imported merchandise. See section 1673 et seq. of this title.

Section 168, acts May 27, 1921, ch. 14, §209, 42 Stat. 15; Aug. 14, 1958, Pub. L. 85–630, §4(b), 72 Stat. 585; June 2, 1970, Pub. L. 91–271, title III, §313, 84 Stat. 292, related to duties of customs officers with regard to appraisal of merchandise. See section 1673h of this title.

Section 169, acts May 27, 1921, ch. 14, §210, 42 Stat. 15; May 28, 1926, ch. 411, §1, 44 Stat. 669; Mar. 2, 1929, ch.

488, §1, 45 Stat. 1475; Aug. 14, 1958, Pub. L. 85–630, §4(b), 72 Stat. 585; June 2, 1970, Pub. L. 91–271, title III, §314, 84 Stat. 293, related to protests from determinations of customs officers. See section 1673 et seq. of this title.

Section 170, act May 27, 1921, ch. 14, §211, 42 Stat. 15, related to treatment of antidumping duties as regular duties for purposes of all laws relating to drawback of duties. See section 1673i of this title.

Section 170a, act May 27, 1921, ch. 14, §212, as added Aug. 14, 1958, Pub. L. 85–630, §5, 72 Stat. 585; amended Jan. 3, 1975, Pub. L. 93–618, title III, §321(e), 88 Stat. 2048, defined terms used in sections 160 to 171 of this title. See section 1677 of this title.

Section 171, act May 27, 1921, ch. 14, §213, formerly §212, 42 Stat. 15, renumbered Aug. 14, 1958, Pub. L. 85–630, §5, 72 Stat. 585, authorized citation of sections 160 to 171 of this title as the “Antidumping Act, 1921”.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1980, see section 107 of Pub. L. 96–39, set out as an Effective Date note under section 1671 of this title.

#### SAVINGS PROVISION

Pub. L. 96–39, title I, §106(a), July 26, 1979, 93 Stat. 193, provided in part that findings in effect on the effective date of the repeal of sections 160 to 171 of this title (Jan. 1, 1980, see Effective Date of Repeal note set out above) or issued pursuant to court order in an action brought before that date, shall remain in effect, subject to review under section 1675 of this title.

ADMINISTRATION OF THE ANTIDUMPING ACT, 1921, BY UNITED STATES TARIFF COMMISSION; REPORT TO CONGRESS

Pub. L. 90–634, title II, §201, Oct. 24, 1968, 82 Stat. 1347, provided that the International Antidumping Code would not restrict the United States Tariff Commission in performing its duties and functions under sections 160 to 171 of this title [known as the Antidumping Act, 1921], required the Secretary of the Treasury and the Tariff Commission to take that Code into account only when consistent with the provisions of those sections, and required the President to submit a report to Congress for the period between July 1, 1968, and June 30, 1969, which had to include all determinations made by the Secretary of the Treasury and the Tariff Commission during that period relating to those sections, analyze the consideration given the International Antidumping Code in each such determination, summarize actions taken by other countries during such period against United States exports, and the relation of such actions to that Code, and include such recommendations as the President determined appropriate concerning the administration of sections 160 to 171 of this title.

ANTIDUMPING ACT UNAFFECTED BY ACT AUGUST 2, 1956; REVIEW OF OPERATION OF ACT AND REPORT TO CONGRESS

Section 5 of act Aug. 2, 1956, ch. 887, 70 Stat. 948, provided that nothing in that act would be considered to repeal, modify, or supersede, directly or indirectly, any provisions of former sections 160 to 171 of this title [known as the Antidumping Act, 1921] and required the Secretary of the Treasury, after consulting with the United States Tariff Commission, to review the operation and effectiveness of those sections and report thereon to the Congress within six months after August 2, 1956, and to recommend to the Congress any amendment to those sections considered desirable or necessary to provide for greater certainty, speed, and efficiency in the enforcement thereof.

ANTIDUMPING ACT UNAFFECTED BY TARIFF ACT OF 1930

Sections 160 to 171 of this title, which were repealed by Pub. L. 96–39, had previously been excepted from repeal or amendment by act June 17, 1930, ch. 497, 46 Stat. 763 [Tariff Act of 1930], section 651(d) of which provided

that nothing in that act would be construed to amend or repeal the Antidumping Act [sections 160 to 171 of this title].

#### ADDITIONAL DEFINITIONS

##### § 172. Omitted

Section, act May 27, 1921, ch. 14, §406, 42 Stat. 18; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, which defined the terms “person” and “United States” as those terms were used in sections 160 to 171 of this title was omitted in view of the repeal of sections 160 to 171 of this title by Pub. L. 96-39, title I, §106(a), July 26, 1979, 93 Stat. 193.

#### RULES AND REGULATIONS

##### § 173. Omitted

Section, act May 27, 1921, ch. 14, §407, 42 Stat. 18, which directed the Secretary to make rules and regulations necessary for the enforcement of sections 160 to 171 of this title was omitted in view of the repeal of sections 160 to 171 of this title by Pub. L. 96-39, title I, §106(a), July 26, 1979, 93 Stat. 193.

#### UNFAIR METHODS OF COMPETITION AND IMPORTATION UNLAWFUL

##### §§ 174 to 180. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §316(a)-(g), 42 Stat. 943, 944, related to unfair acts tending to destroy or injure domestic industries, investigations by Tariff Commission, appeals, and forbidding entry of articles pending completion of investigations.

Provisions of Tariff Act of 1930 corresponding to section 174, see section 1337(a) of this title; section 175, see section 1337(b); section 176, see section 1337(c); section 177, see section 1337(d); section 178, see section 1337(e); section 179, see section 1337(f); section 180, see section 1337(g).

#### IMPORTS FROM COUNTRIES MAKING DISCRIMINATIONS

##### § 181. Exclusion of imports from countries making discriminations

Whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require.

(Aug. 30, 1890, ch. 839, §5, 26 Stat. 415.)

##### §§ 182 to 190. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §317(a)-(i), 42 Stat. 944-946, related to new or additional

duties on imports from countries making discriminations against United States products, suspension, exclusion and enforcement provisions. Provisions of Tariff Act of 1930 corresponding to section 182, see section 1338(a) of this title; section 183, see section 1338(b) of this title; section 184, see section 1338(c) of this title; section 185, see section 1338(d) of this title; section 186, see section 1338(e) of this title; section 187, see section 1338(f) of this title; section 188, see section 1338(g) of this title; section 189, see section 1338(h) of this title; section 190, see section 1338(i) of this title.

#### SPECIAL PROVISIONS

##### §§ 191, 192. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), (4), 46 Stat. 762, eff. June 18, 1930

Section 191, act Sept. 21, 1922, ch. 356, title III, §322, 42 Stat. 948, related to duties on automobiles, etc., sold foreign Governments.

Section 192, R.S. §2804; act Aug. 27, 1894, ch. 349, §26, 28 Stat. 552, related to entry of cigars.

##### §§ 193 to 195. Repealed. Pub. L. 87-456, title III, § 303(c), May 24, 1962, 76 Stat. 78

Section 193, act Jan. 9, 1883, ch. 17, 22 Stat. 402, related to grain brought from Canada for grinding.

Section 194, act May 18, 1896, ch. 195, 29 Stat. 122, provided for the return free of articles and livestock exported for exhibition.

Section 195, act Mar. 3, 1899, ch. 454, 30 Stat. 1372, provided for free entry of animals taken abroad with circus or menagerie.

##### § 196. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, §319, 42 Stat. 947, related to duties imposed on certain previous imports and basis upon weight at time of entry.

##### § 196a. Repealed. Pub. L. 87-456, title III, § 303(c), May 24, 1962, 76 Stat. 78

Section, act Aug. 27, 1949, ch. 517, §1, 63 Stat. 666, provided for free importation of articles for members of armed forces of foreign countries.

#### EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 501(a) of Pub. L. 87-456.

#### PAYMENT OF DUTY

##### § 197. Duties, how payable

Except as provided in section 198 of this title all duties upon imports shall be collected in ready money, and shall be paid in coin, coin certificates, and such other certificates or Treasury notes as may by law be declared receivable in payment thereof.

(R.S. §3009; Feb. 27, 1877, ch. 69, 19 Stat. 247, 249.)

#### CODIFICATION

R.S. §3009 derived from acts Mar. 2, 1833, ch. 55, §3, 4 Stat. 630; Aug. 6, 1846, ch. 84, §1, 9 Stat. 53; Feb. 25, 1862, ch. 33, §5, 12 Stat. 346.

R.S. §3473, formerly cited as a credit to this section, was repealed by Pub. L. 95-598, title III, §322(d), title IV, §402(a), Nov. 6, 1978, 92 Stat. 2679, 2682, effective Oct. 1, 1979.

Prior to its incorporation into the Code, R.S. §3009, as amended by act Feb. 27, 1877, ch. 69, 19 Stat. 247, read: “All duties upon imports shall be collected in ready money, and shall be paid in coin or coin certificates or in United States notes, payable on demand, authorized

to be issued prior to the twenty-fifth day of February, one thousand eight hundred and sixty-two, and by law receivable in payment of public dues.”

Its provisions were changed to conform to section 198 of this title authorizing the receipt of certified checks in payment of duties; section 405 of Title 31, Money and Finance (act Feb. 28, 1878, ch. 20, § 3, 20 Stat. 26) making certain certificates and treasury notes receivable for customs; section 451 of Title 31, (act Dec. 24, 1919, ch. 15, § 1, 41 Stat. 370) making gold certificates a legal tender in payment of all debts and dues, public and private; and a provision of act Mar. 14, 1900, ch. 41, § 6, 31 Stat. 47, as amended (omitted from the Code as superseded by section 451 of Title 31) that gold certificates should be receivable for customs.

**§ 198. Certified checks; receivable for all public dues; lien for payment of**

It shall be lawful for collecting officers to receive certified checks drawn on National and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, and all public dues, including special customs deposits. No person, however, who may be indebted to the United States on account of duties on imports who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this section, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(Mar. 2, 1911, ch. 191, § 1, 36 Stat. 965; Mar. 3, 1913, ch. 119, 37 Stat. 733.)

**TRANSFER OF FUNCTIONS**

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Collecting officers, referred to in this section, are officials of Department of the Treasury.

**§ 199. Judgments, how payable**

In all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the nonpayment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the

coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution.

(R.S. § 3014.)

**CODIFICATION**

R.S. § 3014 derived from act Mar. 3, 1865, ch. 80, § 12, 13 Stat. 494.

**SUBTITLE IV—CUSTOMS ADMINISTRATION**

**ADMINISTRATIVE PROVISIONS**

**PART 1—DEFINITIONS**

**§ 231. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762**

Section, act Sept. 21, 1922, ch. 356, title IV, § 401, 42 Stat. 948, related to definitions of terms of Tariff Act of 1922.

Corresponding provisions of Tariff Act of 1930, see section 1401 of this title.

**§ 232. “Port” defined**

The word “port”, as used in title 34 of the Revised Statutes, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported.

(R.S. § 2767.)

**REFERENCES IN TEXT**

Title 34 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 34 of the Revised Statutes, consisting of R.S. §§ 2517 to 3129. For complete classification of R.S. §§ 2517 to 3129 to the Code, see Tables.

**§ 233. Departure from prescribed forms**

In cases where the forms of official documents, as prescribed by title 34 of the Revised Statutes, shall be substantially complied with and observed, according to the true intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom.

(R.S. § 2769.)

**REFERENCES IN TEXT**

Title 34 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 34 of the Revised Statutes, consisting of R.S. §§ 2517 to 3129. For complete classification of R.S. §§ 2517 to 3129 to the Code, see Tables.

**CODIFICATION**

R.S. § 2769 derived from act Mar. 2, 1799, ch. 22, § 111, 1 Stat. 704.

**§§ 234 to 239. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Sections, act Sept. 21, 1922, ch. 356, title IV, § 402(a)–(f), 42 Stat. 949, 950, related to valuation of imported merchandise, ascertainment of foreign, export, United States value, cost of production, American selling price and value at date of shipment.

Provisions of Tariff Act of 1930 corresponding to section 234, see section 1402(a) of this title; section 235, see section 1402(c) of this title; section 236, see section 1402(d) of this title; section 237, see section 1402(e) of this title; section 238, see section 1402(f) of this title; section 239, see section 1402(g) of this title.



**§ 240. Value at date of shipment**

When the duty upon any imports shall be subject to be levied upon the true market value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States consul or legally authorized deputy.

(R.S. § 2904.)

## CODIFICATION

R.S. § 2904 derived from act Mar. 2, 1861, ch. 68, § 28, 12 Stat. 197.

PART 2—REPORT, ENTRY, AND UNLADING OF  
VESSELS AND VEHICLES**§§ 241 to 256. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 431-446, 42 Stat. 950-953, related to form and contents of manifests, clearance documents, bonds, permits and penalties for violation of same.

Provisions of Tariff Act of 1930 corresponding to sections 241 to 256, see sections 1431 to 1446 of this title, respectively.

**§§ 257, 258. Repealed. Pub. L. 91-654, § 3, Jan. 5, 1971, 84 Stat. 1945**

Section 257, R.S. § 3114; acts Sept. 21, 1922, ch. 356, title IV, § 466, 42 Stat. 957; June 17, 1930, ch. 497, title IV, § 466, 46 Stat. 719, related to duties on equipments or repair parts for vessels. See section 1466(a) of this title.

Section 258, R.S. § 3115; acts Sept. 21, 1922, ch. 356, title IV, § 466, 42 Stat. 957; June 17, 1930, ch. 497, title IV, § 466, 46 Stat. 719; Aug. 8, 1953, ch. 397, § 11(c), 67 Stat. 515, related to the remission of duties for necessary repairs. See section 1466(d) of this title.

## EFFECTIVE DATE OF REPEAL

Section 3 of Pub. L. 91-654 provided that the repeal by Pub. L. 91-654 is effective with respect to entries made in connection with arrivals of vessels on or after Jan. 5, 1971 (or treated under section 2 of Pub. L. 91-654, set out as a note under section 1466 of this title, as made on the day after such date).

PROVISIONS INAPPLICABLE TO ENTRIES MADE IN CONNECTION WITH ARRIVALS BEFORE JANUARY 5, 1971, OF VESSELS OPERATED BY OR FOR AGENCY OF UNITED STATES; REFUNDS AFTER AUGUST 7, 1974, BARRED AS TO DUTY PAYMENTS MADE BEFORE JANUARY 5, 1971, UNDER SECTION 257

Pub. L. 93-368, §§ 1, 2, Aug. 7, 1974, 88 Stat. 420, provided: "That sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) [former sections 257 and 258 of this title] shall not apply to entries made in connection with arrivals before January 5, 1971, of vessels owned by the United States, or bareboat chartered to the United States, and operated by or for the account of any department or agency of the United States.

"SEC. 2. On or after the date of the enactment of this Act [Aug. 7, 1974], no department or agency of the United States shall be entitled to a refund of any duties paid before January 5, 1971, by any department or agency of the United States under section 3114 of the Revised Statutes of the United States [section 257 of this title]."

**§§ 259, 260. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762**

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 447, 448, 42 Stat. 953, related to place of entry and unlading before entry or report of arrival.

Provisions of Tariff Act of 1930 corresponding to section 259, see section 1447 of this title; section 260, see section 1448 of this title.

**§ 261. Omitted**

## CODIFICATION

Section, acts Feb. 13, 1911, ch. 46, § 5, 36 Stat. 901; Feb. 7, 1920, ch. 61, 41 Stat. 402; Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 990; June 2, 1970, Pub. L. 91-271, title III, § 315, 84 Stat. 293, provided extra compensation for boarding officers performing services at night or on Sundays and holidays, prior to the general revision of section 5 of act Feb. 13, 1911, by section 13811(a) of Pub. L. 103-66, title XIII, Aug. 10, 1993, 107 Stat. 668. Section 5 of act Feb. 13, 1911, as amended by section 13811(a) of Pub. L. 103-66, is classified to section 267 of this title.

**§§ 262 to 266. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 449-453, 42 Stat. 954, 955, related to emergency cases of unlading bonds for special licenses and penalties for violation.

Provisions of Tariff Act of 1930 corresponding to section 262, see section 1449 of this title; section 263, see section 1450 of this title; section 264, see section 1451 of this title; section 265, see section 1452 of this title; section 266, see section 1453 of this title.

**§ 267. Overtime and premium pay for customs officers****(a) Overtime pay****(1) In general**

Subject to paragraph (2) and subsection (c) of this section, a customs officer who is officially assigned to perform work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer. For purposes of this paragraph, the hourly rate of basic pay for a customs officer does not include any premium pay provided for under subsection (b) of this section.

**(2) Special provisions relating to overtime work on callback basis****(A) Minimum duration**

Any work for which compensation is authorized under paragraph (1) and for which the customs officer is required to return to the officer's place of work shall be treated as being not less than 2 hours in duration; but only if such work begins at least 1 hour after the end of any previous regularly scheduled work assignment and ends at least 1 hour before the beginning of the following regularly scheduled work assignment.

**(B) Compensation for commuting time****(i) In general**

Except as provided in clause (ii), in addition to the compensation authorized under paragraph (1) for work to which subparagraph (A) applies, the customs officer is

entitled to be paid, as compensation for commuting time, an amount equal to 3 times the hourly rate of basic pay of the officer.

**(ii) Exception**

Compensation for commuting time is not payable under clause (i) if the work for which compensation is authorized under paragraph (1)—

(I) does not commence within 16 hours of the customs officer's last regularly scheduled work assignment, or

(II) commences within 2 hours of the next regularly scheduled work assignment of the customs officer.

**(b) Premium pay for customs officers**

**(1) Night work differential**

**(A) 3 p.m. to midnight shiftwork**

If the majority of the hours of regularly scheduled work of a customs officer occurs during the period beginning at 3 p.m. and ending at 12 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 15 percent of that basic rate.

**(B) 11 p.m. to 8 a.m. shiftwork**

If the majority of the hours of regularly scheduled work of a customs officer occurs during the period beginning at 11 p.m. and ending at 8 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.

**(C) 7:30 p.m. to 3:30 a.m. shiftwork**

If the regularly scheduled work assignment of a customs officer is 7:30 p.m. to 3:30 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 15 percent of that basic rate for the period from 7:30 p.m. to 11:30 p.m. and at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate for the period from 11:30 p.m. to 3:30 a.m.

**(2) Sunday differential**

A customs officer who performs any regularly scheduled work on a Sunday that is not a holiday is entitled to pay for that work at the officer's hourly rate of basic pay plus premium pay amounting to 50 percent of that basic rate.

**(3) Holiday differential**

A customs officer who performs any regularly scheduled work on a holiday is entitled to pay for that work at the officer's hourly rate of basic pay plus premium pay amounting to 100 percent of that basic rate.

**(4) Treatment of premium pay**

Premium pay provided for under this subsection may not be treated as being overtime pay or compensation for any purpose.

**(c) Limitations**

**(1) Fiscal year cap**

The aggregate of overtime pay under subsection (a) of this section (including commuting compensation under subsection (a)(2)(B) of this section) and premium pay under subsection (b) of this section that a customs officer may be paid in any fiscal year may not exceed \$25,000; except that the Commissioner of Customs or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service.

**(2) Exclusivity of pay under this section**

A customs officer who receives overtime pay under subsection (a) of this section or premium pay under subsection (b) of this section for time worked may not receive pay or other compensation for that work under any other provision of law.

**(d) Regulations**

The Secretary of the Treasury shall promulgate regulations to prevent—

(1) abuse of callback work assignments and commuting time compensation authorized under subsection (a)(2) of this section; and

(2) the disproportionately more frequent assignment of overtime work to customs officers who are near to retirement.

**(e) Definitions**

As used in this section:

(1) The term “customs officer” means an individual performing those functions specified by regulation by the Secretary of the Treasury for a customs inspector or canine enforcement officer. Such functions shall be consistent with such applicable standards as may be promulgated by the Office of Personnel Management.

(2) The term “holiday” means any day designated as a holiday under a Federal statute or Executive order.

(Feb. 13, 1911, ch. 46, § 5, 36 Stat. 901; Feb. 7, 1920, ch. 61, 41 Stat. 402; Pub. L. 91-271, title III, § 316, June 2, 1970, 84 Stat. 293; Pub. L. 103-66, title XIII, § 13811(a), Aug. 10, 1993, 107 Stat. 668.)

**CODIFICATION**

Section derived from R.S. § 2872, as amended by act June 26, 1884, ch. 121, § 25, 23 Stat. 59.

Prior to the general revision of section 5 of act Feb. 13, 1911, by section 13811(a) of Pub. L. 103-66, provisions of section 5 of act Feb. 13, 1911, relating to extra compensation for boarding officers performing services at night or on Sundays and holidays, were classified to section 261 of this title.

**AMENDMENTS**

1993—Pub. L. 103-66 amended section generally, substituting provisions relating to overtime and premium pay for customs officers for provisions relating to fixing of working hours and overtime compensation by Secretary of the Treasury.

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector of customs wherever appearing, and struck out reference to inspectors, storekeepers, weighers, and other customs officers and employees.

**EFFECTIVE DATE OF 1993 AMENDMENT**

Section 13811(c) of Pub. L. 103-66 provided that: “The amendments made by subsections (a) and (b) [amending

this section and section 1450 of this title, repealing section 1451a of this title, and omitting provisions formerly set out as section 261 of this title] apply to customs inspectional services provided on or after January 1, 1994.”

#### EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as a note under section 1500 of this title.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, were under Department of the Treasury.

#### § 267a. Foreign language proficiency awards

Cash awards for foreign language proficiency may, under regulations prescribed by the Secretary of the Treasury, be paid to customs officers (as referred to in section 267(e)(1) of this title) to the same extent and in the same manner as would be allowable under subchapter III of chapter 45 of title 5 with respect to law enforcement officers (as defined by section 4521 of such title).

(Pub. L. 103-66, title XIII, § 13812(b), Aug. 10, 1993, 107 Stat. 671.)

#### EFFECTIVE DATE

Section 13812(c)(2) of Pub. L. 103-66 provided that: “Subsection (b) [enacting this section] takes effect on January 1, 1994.”

#### §§ 268 to 272. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 454-458, 42 Stat. 955, 956, related to duties and compensation of boarding and discharging inspectors, custody of cargo not unladen promptly, unlading at risk of consignee and time for unlading bulk cargo.

Provisions of Tariff Act of 1930 corresponding to section 268, see section 1455 of this title; section 269, see section 1456 of this title; section 270, see section 1457 of this title; section 271, none; section 272, see section 1458 of this title.

#### §§ 273, 274. Repealed. Aug. 8, 1953, ch. 397, § 4(b), 67 Stat. 509

Sections, R.S. §§ 2885, 2886, required the containers of imported liquors or distilled spirits to be marked or scored at the port of landing with the capacity, wine gallons, proof, proof gallons, and other detailed information, such marks to be obliterated upon sale.

#### EFFECTIVE DATE OF REPEAL

Section 1 of act Aug. 8, 1953, provided that such act is effective, except as otherwise specifically provided

for, on and after the thirtieth day following the date of its enactment (Aug. 8, 1953).

The exception “except as otherwise specifically provided for” apparently refers to the amendments made to the provisions preceding subd. (1) of section 1308 of this title and to section 1557(b) of this title, for which separate effective dates were provided as explained in notes under those sections.

#### SAVINGS PROVISION

Section 23 of act Aug. 8, 1953, provided: “Except as may be otherwise provided for in this Act, the repeal of existing law or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this Act, and may be enforced in the same manner as if such repeal, or modification had not been made.”

#### §§ 275 to 281. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 459-465, 42 Stat. 956, 957, related to documentary reports, manifests, permits on imports from contiguous countries and enforcement provisions.

Provisions of Tariff Act of 1930 corresponding to sections 275 to 281, see sections 1459 to 1465 of this title, respectively.

#### § 282. Repealed. Pub. L. 103-182, title VI, § 690(a)(2), Dec. 8, 1993, 107 Stat. 2222

Section, R.S. § 3111; Pub. L. 91-271, title III, § 317, June 2, 1970, 84 Stat. 293, related to oath to be taken by masters of certain vessels.

#### § 283. Duty on saloon stores

Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel, belonging to and owned by such saloon keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon keeper or other person so purchasing and owning shall be liable to a penalty of not less than \$100 and not more than \$500, and shall be punishable by imprisonment for not less than three months and not more than two years.

(R.S. § 3113.)

#### CODIFICATION

R.S. § 3113 derived from acts July 18, 1866, ch. 201, § 22, 14 Stat. 183; Feb. 10, 1871, ch. 45, 16 Stat. 409.

#### §§ 284, 285. Repealed. July 3, 1926, ch. 757, § 3, 44 Stat. 832

Sections, R.S. §§ 3116, 3117, related to manifests of vessels in coasting trade and entry for goods taken or delivered at intermediate ports.

**§§ 286, 287. Repealed. Pub. L. 103-182, title VI, § 690(a)(3), (4), Dec. 8, 1993, 107 Stat. 2222**

Section 286, R.S. §3118, mandated that master of any enrolled or licensed vessel file a manifest and obtain clearance before departing from a port in one collection district to a place in another collection district where there is not customhouse.

Section 287, R.S. §3119, related to reporting requirements for merchandise destined for foreign ports and exempted unloading of cargo brought from American ports from permit requirements.

**§ 288. Documented vessels**

Documented vessels with a registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada, shall not thereby become liable to the payment of entry and clearance fees.

(R.S. §2793; Sept. 25, 1941, ch. 423, 55 Stat. 733; Pub. L. 103-182, title VI, §686(a)(1), Dec. 8, 1993, 107 Stat. 2220; Pub. L. 104-324, title XI, §1115(b)(4), Oct. 19, 1996, 110 Stat. 3972.)

**CODIFICATION**

R.S. §2793 derived from Res. Feb. 10, 1871, No. 27, §2, 16 Stat. 595.

Provisions of this section are also set out in section 111 of Title 46, Appendix, Shipping.

Provision of R.S. §2793 respecting tonnage duties is classified to section 123 of Title 46, Appendix.

**AMENDMENTS**

1996—Pub. L. 104-324 substituted “registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,” for “coastwise, Great Lakes endorsement, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports,” and struck out “, as if from or to foreign ports” before period at end.

1993—Pub. L. 103-182 substituted “Documented vessels with a coastwise, Great Lakes endorsement,” for “Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States,” and “foreign ports,” for “foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Commissioner of Customs may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel.”

1941—Act Sept. 25, 1941, inserted exception and proviso at end of section.

**§§ 289 to 292. Repealed. Pub. L. 103-182, title VI, § 690(a)(1), (5)–(7), Dec. 8, 1993, 107 Stat. 2222, 2223**

Section 289, R.S. §2792; May 28, 1908, ch. 212, §1, 35 Stat. 424, exempted certain ferryboats and passenger vessels from clearance fees.

Section 290, R.S. §3122, mandated that master of any enrolled or licensed vessel destined with cargo from a place in the United States, at which there may be no customhouse, to a port where there may be a customhouse, deliver a manifest within twenty-four hours after arriving at port of destination.

Section 291, R.S. §3124; Feb. 14, 1903, ch. 552, §10, 32 Stat. 829; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, related to format and content of forms for manifests, certificates of clearance, and oaths.

Section 292, R.S. §3125, related to penalty for neglect or failure to comply with sections 286, 287, 290, and 291 of this title.

**§ 293. Documented vessels touching at foreign ports**

Any United States documented vessel with a registry or coastwise endorsement, or both, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails.

(R.S. §3126; Pub. L. 91-271, title III, §318, June 2, 1970, 84 Stat. 293; Pub. L. 103-182, title VI, §686(a)(2), Dec. 8, 1993, 107 Stat. 2220; Pub. L. 104-295, §21(e)(1), Oct. 11, 1996, 110 Stat. 3530.)

**CODIFICATION**

R.S. §3126 derived from act May 27, 1848, ch. 48, §1, 9 Stat. 232.

**AMENDMENTS**

1996—Pub. L. 104-295 inserted comma after “or both”.

1993—Pub. L. 103-182 substituted “Any United States documented vessel with a registry or coastwise endorsement, or both” for “Any vessel, on being duly registered in pursuance of the laws of the United States,” and struck out at end “All such vessels shall be furnished by the appropriate customs officers of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed.”

1970—Pub. L. 91-271 substituted reference to appropriate customs officers for reference to collectors.

**EFFECTIVE DATE OF 1970 AMENDMENT**

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

**§ 294. No duty by reason of documented vessel touching at foreign port**

Any foreign merchandise taken in at one port of the United States to be conveyed in a United States documented vessel with a registry or coastwise endorsement, or both, to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which

they may arrive having touched at a foreign port during the voyage.

(R.S. §3127; Pub. L. 103-182, title VI, §686(a)(3), Dec. 8, 1993, 107 Stat. 2220; Pub. L. 104-295, §21(e)(2), Oct. 11, 1996, 110 Stat. 3530.)

#### CODIFICATION

R.S. §3127 derived from act May 27, 1848, ch. 48, §2, 9 Stat. 232.

#### AMENDMENTS

1996—Pub. L. 104-295 substituted “conveyed in a United” for “conveyed a United”.

1993—Pub. L. 103-182 substituted “a United States documented vessel with a registry or coastwise endorsement, or both,” for “in registered vessels”.

### PART 3—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

#### §§ 331 to 337. Repealed. June 17, 1930, ch. 497, title IV, §651(a)(1), 46 Stat. 762

Sections, act Sept. 21, 1922, ch. 356, title IV, §§481(a)–(c), 482(a)–(d), 42 Stat. 958, related to contents of invoices, certification in different consular districts and declarations indorsed on invoices.

Provisions of Tariff Act of 1930 corresponding to section 331, see section 1481(a) of this title; section 332, see section 1481(b) of this title; section 333, see section 1481(c) of this title; section 334, see section 1482(a) of this title; section 335, see section 1482(b) of this title; section 336, see section 1482(c) of this title; section 337, see section 1482(d) of this title.

Sections 331 to 333 were repealed effective on day after enactment of repealing act.

Sections 334 to 337 were repealed effective sixty days after enactment of repealing act.

#### § 338. Indorsement upon invoice; port of entry

The person producing an invoice for certification shall at the same time declare to the consul or vice consul the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, or vice consul, shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned.

(R.S. §2855; Apr. 5, 1906, ch. 1366, §3, 34 Stat. 100.)

#### CODIFICATION

R.S. §2855 derived from act Mar. 3, 1863, ch. 76, §1, 12 Stat. 738.

Section is based on the first sentence of R.S. §2855. The second sentence of R.S. §2855, which related to the disposition of certified copies of invoices, was superseded by section 482(e) of the Tariff Act of 1922, and later by section 482(e) of the Tariff Act of 1933 which is classified to section 1482(e) of this title.

#### § 339. Restriction on consular certificates

No consular officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment.

(R.S. §2861.)

#### CODIFICATION

R.S. §2861 derived from act Feb. 22, 1873, ch. 184, §3, 17 Stat. 474.

#### § 340. Consuls to exact proof of invoice

All consular officers are authorized to require, before certifying any invoice, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In the exercise of the discretion hereby given, the consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

(R.S. §2862.)

#### CODIFICATION

R.S. §2862 derived from act Mar. 3, 1865, ch. 111, 13 Stat. 532.

#### § 341. Fraudulent practices; consul's report

All consuls of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the appropriate customs officer of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury.

(R.S. §2863; Apr. 5, 1906, ch. 1366, §3, 34 Stat. 100; Pub. L. 91-271, title III, §319, June 2, 1970, 84 Stat. 293.)

#### CODIFICATION

R.S. §2863 derived from act July 14, 1862, ch. 163, §18, 12 Stat. 559.

#### AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

#### EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as a note under section 1500 of this title.

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, are under Department of the Treasury.

#### §§ 342 to 375. Repealed. June 17, 1930, ch. 497, title IV, §651(a)(1), 46 Stat. 762

Sections, act Sept. 21, 1922, ch. 356, title IV, §§482(e), (f), 483, 484(a)–(g), 485(a)–(f), 486–497, 498(a), (b), 499, and 500(a)–(c), 42 Stat. 959–965, related to ascertainment, collection and recovery of goods.

Provisions of Tariff Act of 1930 corresponding to section 342, see section 1482(e) of this title; section 343, see section 1482(f) of this title; section 344, see section 1483 of this title; section 345, see section 1484(a) of this title; section 346, see section 1484(b) of this title; section 347, see section 1484(c) of this title; section 348, see section 1484(d) of this title; section 349, see section 1484(e) of this title; section 350, see section 1484(f) of this title; section 351, see section 1484(g) of this title; section 352, see section 1485(a) of this title; section 353, see section 1485(b) of this title; section 354, see section 1485(c) of

this title; section 355, see section 1485(d) of this title; section 356, see section 1485(e) of this title; section 357, see section 1485(f) of this title; section 358, none, but see section 1623 of this title; section 359, see section 1487 of this title; section 360, see section 1488 of this title; section 361, see section 1503(b) of this title; section 362, see section 1490 of this title; section 363, see section 1491 of this title; section 364 see section 1492 of this title; section 365, see section 1493 of this title; section 366, see section 1494 of this title; section 367, see section 1495 of this title; section 368, see section 1496 of this title; section 369, see section 1497 of this title; section 370, see section 1498(a) of this title; section 371, see section 1498(b) of this title; section 372, see section 1499 of this title; section 373, see section 1500(a) of this title; section 374, see section 1500(b) of this title; section 375, see section 1500(d) of this title.

#### EFFECTIVE DATE OF REPEAL

Sections 342 and 343 repealed effective sixty days after enactment of repealing act.

Sections 344 to 375 repealed effective on day following date of enactment of repealing act.

#### § 376. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(10), 70 Stat. 947

Section, R.S. §2615, related to report of assistant appraiser at New York.

#### § 377. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, §500(d), 42 Stat. 966, related to duties of examiners. For corresponding provisions of Tariff Act of 1930, see section 1500(e) of this title.

#### § 378. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Section, R.S. §2938, related to appraiser as special examiner.

Section 2 of the repealing act provided that rights or liabilities existing under this section on Feb. 28, 1933, should not be affected thereby.

#### § 379. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(25), 70 Stat. 947

Section, R.S. §2612, provided for instructions to prevent importation of adulterated drugs. Special examiners of drugs are no longer appointed. For functions with relation to adulterated drugs, see section 321 et seq. of Title 21, Food and Drugs.

#### §§ 380 to 389. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§500(e), 501, 502(a)–(c), 503–507, 42 Stat. 966–968, related to appeals for reappraisement, regulations for appraisal and classification, etc., and reversal or modification of rulings of Secretary of Treasury.

Provisions of Tariff Act of 1930 corresponding to section 380, see section 1500(f) of this title; section 381, see section 1501 of this title; section 382, see section 1502(a) of this title; section 383, see section 1502(b) of this title; section 384, see section 1502(c) of this title; section 385, see sections 1503 and 1504 [repealed] of this title; section 386, see section 1505 of this title; section 387, see section 1506 of this title; section 388, see section 1507 of this title; section 389, see section 1508 [repealed] of this title.

#### § 390. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(26), 70 Stat. 948

Section, R.S. §2918, provided for adoption of a hydrometer for use in ascertaining proof of liquors. See section 5204(b) of Title 26, Internal Revenue Code.

#### § 391. Ascertainment of duties on grain

For the purpose of estimating the duties on importations of grain, the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of peas, and forty-two pounds of buckwheat, avoirdupois weight, shall respectively be estimated as a bushel.

(R.S. §2919.)

#### CODIFICATION

R.S. §2919 derived from act July 18, 1866, ch. 201, §38, 14 Stat. 187.

#### §§ 392 to 405. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§508–518, 42 Stat. 968–972, related to examination of importers, consignees, agents, etc.

The following table shows the classification of former sections to the present similar provisions in the Tariff Act of 1930, as incorporated in this title.

<i>Former section</i>	<i>Present section</i>
392 .....	1509
393 .....	1510
394 .....	
395 .....	1511
396 .....	1512
397 .....	1513
398 .....	1514
399 .....	1515
400 .....	1516(a)
401 .....	1516(b)
402 .....	1516(c)
403 .....	
405 .....	

#### § 405a. Repealed. Pub. L. 96–417, title VI, § 603, Oct. 10, 1980, 94 Stat. 1744

Section, acts May 28, 1926, ch. 411, §1, 44 Stat. 669; June 25, 1948, ch. 646, §22, 62 Stat. 990, renamed the Board of General Appraisers as the United States Customs Court and provided that the members be known as judges of the United States Customs Court.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96–417, set out as an Effective Date of 1980 Amendment note under section 251 of Title 28, Judiciary and Judicial Procedure.

#### § 405b. Omitted

Section, act May 28, 1926, ch. 411, §2, 44 Stat. 669, provided that the jurisdiction, powers, and duties of the Board referred to in section 405a of this title, its subdivisions and its officers, and their appointment, including the designation of its presiding officers, and the immunities, tenure of office, powers, duties, rights, and privileges of the members of the Board, shall remain the same as provided by existing law.

#### §§ 406 to 409. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§519, 520(a), (b), 521, 42 Stat. 973, related to copies of decisions of United States Customs Court for Collectors and Secretary of the Treasury, refund of duties and liquidation of duties.

Provisions of Tariff Act of 1930 corresponding to section 406, see section 1519 of this title [repealed]; section 407, see section 1520(a) of this title; section 408, see section 1520(b) of this title; section 409, see section 1521 of this title.

**§§ 413 to 419. Repealed. June 17, 1930, ch. 497, title IV, §§ 641(e), 651(a)(1), 46 Stat. 760, 762, eff. June 18, 1930**

Sections 413 and 414, act Sept. 21, 1922, ch. 356, title IV §§ 524, 525, 42 Stat. 975, related to disposal of receipts and detail from field service for Washington duty.

Sections 415 to 419, act June 10, 1910, ch. 283, §§ 1-5, 36 Stat. 464, 465, related to issuance and revocation of customhouse broker's licenses. Repeal was subject to an exception as follows: "Except that any license issued \* \* \* shall continue in force and effect, subject to suspension and revocation in the same manner and upon the same conditions as licenses issued pursuant to subdivision (a) of this section." Subdivision (a) is set forth in section 1641 of this title, and such section now regulates the licensing of customhouse brokers. Subsection (e) of section 641, act of 1930, the repealing act, was repealed by act August 26, 1935, ch. 689, § 5, 49 Stat. 865, but sections 415 to 419 of this title were not thereby revived.

Provisions of Tariff Act of 1930 corresponding to section 413, see section 1524 of this title; section 414, see section 1525 [repealed] of this title; sections 415 to 419, see section 1641 of this title.

**§ 420. Repealed. Pub. L. 87-456, title III, § 303(c), May 24, 1962, 76 Stat. 78**

Section, R.S. § 2951, defined the word "ton" and was previously omitted.

**EFFECTIVE DATE OF REPEAL**

For effective date of repeal, see section 501(a) of Pub. L. 87-456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

**PART 4—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE**

**§§ 451 to 459. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 551-559, 42 Stat. 975-977, related to carriers of bonded merchandise, transportation restrictions, bonds, regulations, and abandonment of merchandise in bonded warehouses.

The following table shows the classification of former sections to the present similar provisions in the Tariff Act of 1930, as incorporated in this title.

<i>Former section</i>	<i>Present section</i>
451 .....	1551
452 .....	1552
453 .....	1553
454 .....	1554
455 .....	1555
456 .....	1556
457 .....	1557
458 .....	1558
459 .....	1559

**§ 460. Retention of distilled spirits, wines, etc., in warehouse during prohibitory period**

Under regulations prescribed by the Secretary of the Treasury, any imported distilled spirits, wines, or other liquors which may be in any customs bonded warehouse under the customs laws on the date any prohibition of their sale or removal, by any Act of Congress, or proclamation

of the President of the United States takes effect shall be permitted to remain therein without payment of any taxes or duties thereon, beyond the three-year period provided by law, during such period of prohibition; and may be exported at any time during such extended period. Any imported spirits, wines, or other liquors as to which the three-year bonded period may have expired after February 24, 1919, and prior to the date such prohibition takes effect may at the option of the owner remain in bond during such period of prohibition.

(Feb. 24, 1919, ch. 18, § 600(b), 40 Stat. 1106.)

**REFERENCES IN TEXT**

The customs laws, referred to in text, are classified generally to this title.

**§§ 461 to 466. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 560-565, 42 Stat. 977-979, related to leasing warehouses by Secretary of the Treasury, public stores, withdrawal from and deterioration of merchandise in bonded warehouses, liens for freight charges and cartage of merchandise.

The following table shows the classification of former sections to the present similar provisions in the Tariff Act of 1930, as incorporated in this title.

<i>Former section</i>	<i>Present section</i>
461 .....	1560
462 .....	1561
463 .....	1562
464 .....	1563
465 .....	1564
466 .....	1565

**§ 467. Imported distilled spirits, wines, or malt liquors; regulations for marks, brands, and stamps or devices on bulk containers; forfeitures**

The Secretary of the Treasury may by regulation require such marks, brands, and stamps or devices to be placed on any bulk container (including a pipeline) used for holding, storing, transferring or conveying imported distilled spirits, wines, or malt liquors as he deems necessary and proper in the administration of the Federal laws applicable to such imported distilled spirits, wines, or malt liquors and may specify those marks, brands, and stamps or devices which the importer or owner shall place or have placed on such containers. Any such container of imported distilled spirits, wines, or malt liquors withdrawn from customs custody purporting to contain imported distilled spirits, wines, or malt liquors found without having thereon any mark, brand, stamp, or device the Secretary of the Treasury may require, shall be with its contents, forfeited to the United States of America.

(Mar. 1, 1879, ch. 125, § 11, 20 Stat. 342; Pub. L. 95-410, title II, § 201, Oct. 3, 1978, 92 Stat. 898.)

**AMENDMENTS**

1978—Pub. L. 95-410 substituted provisions authorizing the Secretary of the Treasury to require by regulation the placing of marks, brands, and stamps or devices on bulk containers of imported distilled spirits, wines, or malt liquors used for holding, storing, trans-

ferring or conveying the imported liquors for prior provisions for deposit of imported distilled spirits, wines, and malt liquors in public store or bonded warehouse, inspection of packages, affixing of stamps thereto, and special stamps for cask or package of not less than five wine-gallons filled for shipment, sale, or delivery on premises of any wholesale liquor-dealer under rules and regulations prescribed by Commissioner of Internal Revenue.

**§ 468. Stamps and brands effaced on emptying packages of imported liquors**

Every person who empties or draws off, or causes to be emptied or drawn off, the contents of any package of imported liquors stamped as above required, shall, at the time of such emptying, efface, obliterate, and destroy the stamp thereon, and also all other marks or brands which shall have been placed thereon in accordance with the law or regulations concerning imported liquors; every cask or other package from which the stamp for imported liquors required by section 467 of this title to be placed thereon shall not be effaced, obliterated, or destroyed, on emptying such package, shall be forfeited, and the same may be seized by any officer of internal revenue wherever found; and all the provisions and penalties of R.S. § 3324, relating to empty casks or packages from which the marks, brands, or stamps have not been effaced or obliterated, and relating to the removal of stamps from packages, and to having in possession any stamps so removed, shall apply to the stamps for imported spirits herein provided for, and to the casks or other packages on which such stamps shall have been used.

(Mar. 1, 1879, ch. 125, § 12, 20 Stat. 342; May 28, 1880, ch. 108, § 12, 21 Stat. 148.)

REFERENCES IN TEXT

R.S. § 3324, referred to in text, related to stamps and brands to be effaced from empty casks and penalty for omitting to efface and for transporting in violation of law. See sections 5206(d), 5604, and 7301 of Title 26, Internal Revenue Code.

**§ 469. Dealing in or using empty stamped imported liquor containers**

If any person shall purchase or sell, with the imported-liquor stamp herein required remaining thereon, or any of the marks or brands which shall have been placed thereon in accordance with the laws or regulations concerning imported liquors remaining thereon, any cask or other package, after the same has been once used to contain imported liquors and has been emptied; or if any person shall use or have in possession such cask or package, with any imitation of such marks or brands, for the purpose of placing domestic distilled spirits therein for sale; every such cask or package, with its contents, if any, shall be forfeited to the United States. And every such person who shall violate any of the provisions of this section shall be liable to a penalty of \$200 for every such cask or package so purchased, sold, used, or had in possession.

(Mar. 1, 1879, ch. 125, § 13, 20 Stat. 343; May 28, 1880, ch. 108, § 13, 21 Stat. 148.)

**§ 471. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Section, act Sept. 21, 1922, ch. 356, title IV, § 560, 42 Stat. 977, related to prohibition of ownership of bonded warehouses by customs officers.

Corresponding provisions of Tariff Act of 1930, see section 1560 of this title.

**§§ 472 to 475. Repealed. Aug. 8, 1953, ch. 397, § 16(f), 67 Stat. 517**

Sections, act June 8, 1896, ch. 371, §§ 1-4, 29 Stat. 263, related to special delivery and appraisement of imported articles of limited value and weight.

EFFECTIVE DATE OF REPEAL

Section 1 of act Aug. 8, 1953, provided that such act is effective, except as otherwise specifically provided for, on and after thirtieth day following date of its enactment (Aug. 8, 1953).

The exception "except as otherwise specifically provided for" apparently refers to amendments made to provisions preceding subd. (1) of section 1308 of this title and to section 1557(b) of this title, for which separate effective dates were provided as explained in notes under those sections.

SAVINGS PROVISION

Section 23 of act Aug. 8, 1953, provided: "Except as may be otherwise provided for in this Act, the repeal of existing law or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this Act, and may be enforced in the same manner as if such repeal, or modification had not been made."

PART 5—ENFORCEMENT PROVISIONS

**§ 481. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Section, act Sept. 21, 1922, ch. 356, title IV, § 581, 42 Stat. 979, related to seizure of vessel or merchandise. Corresponding provisions of Tariff Act of 1930, see section 1581 of this title.

**§ 482. Search of vehicles and persons**

(a) Any of the officers or persons authorized to board or search vessels may stop, search, and examine, as well without as within their respective districts, any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States in any manner contrary to law, whether by the person in possession or charge, or by, in, or upon such vehicle or beast, or otherwise, and to search any trunk or envelope, wherever found, in which he may have a reasonable cause to suspect there is merchandise which was imported contrary to law; and if any such officer or other person so authorized shall find any merchandise on or about any such vehicle, beast, or person, or in any such trunk or envelope, which he shall have reasonable cause to believe is subject to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial.

(b) Any officer or employee of the United States conducting a search of a person pursuant



to subsection (a) of this section shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith and used reasonable means while effectuating such search.

(R.S. §3061; Pub. L. 107–210, div. A, title III, §341(a), Aug. 6, 2002, 116 Stat. 980.)

#### CODIFICATION

R.S. §3061 derived from act July 18, 1866, ch. 201, §3, 14 Stat. 178.

#### AMENDMENTS

2002—Pub. L. 107–210 designated existing provisions as subsec. (a) and added subsec. (b).

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–210 applicable to petitions for certification filed under part 2 or 3 of subchapter II of chapter 12 of this title on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107–210, set out as a note preceding section 2271 of this title.

#### REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS

Pub. L. 107–210, div. A, title III, §341(b), Aug. 6, 2002, 116 Stat. 980, provided that: “Not later than 30 days after the date of the enactment of this Act [Aug. 6, 2002], the Commissioner of Customs shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.”

[For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

#### § 483. Repealed. Sept. 1, 1954, ch. 1213, title V, § 502, 68 Stat. 1140

Section, R.S. §3062; act Aug. 5, 1935, ch. 438, title II, §208, 49 Stat. 526, related to forfeitures and penalty for aiding unlawful importation. See section 1595a of this title.

#### §§ 484 to 493. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§582–591, 42 Stat. 979–981, related to examination of persons and baggage, production and certification of manifests, and enforcement provisions.

Provisions of Tariff Act of 1930 corresponding to section 484, see section 1582 of this title; section 485, see section 1583 of this title; section 486, see section 1584 of this title; section 487, see section 1585 of this title; section 488, see section 1586 of this title; section 489, see section 1586(d) of this title; section 490, see section 1588 of this title.

#### § 494. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(27), 70 Stat. 948

Section, act June 22, 1874, ch. 391, §13, 18 Stat. 188, provided for seizure of merchandise as security for fines. See section 542 of Title 18, Crimes and Criminal Procedure.

#### §§ 495 to 505. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§592, 593(a), (b), 594–601, 42 Stat. 982 to 984, related to seizure and forfeiture of vessels, vehicles and merchandise.

Provisions of Tariff Act of 1930 corresponding to section 495, see section 1592 of this title; section 496, see section 1593(a) [repealed] of this title; section 498, see section 1594 of this title; section 499, see section 1595 of this title; section 503, see section 1599 of this title.

#### § 506. Repealed. Aug. 5, 1935, ch. 438, title II, § 203(b), 49 Stat. 523

Section, R.S. §3072, related to duty of customs officers to seize and make secure vessels or merchandise.

#### § 507. Officers to make character known; assistance for officers

(a) Every customs officer shall—

(1) upon being questioned at the time of executing any of the powers conferred upon him, make known his character as an officer of the Federal Government; and

(2) have the authority to demand the assistance of any person in making any arrest, search, or seizure authorized by any law enforced or administered by customs officers, if such assistance may be necessary.

If a person, without reasonable excuse, neglects or refuses to assist a customs officer upon proper demand under paragraph (2), such person is guilty of a misdemeanor and subject to a fine of not more than \$1,000.

(b) Any person other than an officer or employee of the United States who renders assistance in good faith upon the request of a customs officer shall not be held liable for any civil damages as a result of the rendering of such assistance if the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

(R.S. §3071; Pub. L. 99–570, title III, §3152, Oct. 27, 1986, 100 Stat. 3207–94.)

#### CODIFICATION

R.S. §3071 derived from act July 18, 1866, ch. 201, §10, 14 Stat. 180.

#### AMENDMENTS

1986—Pub. L. 99–570 amended section generally. Prior to amendment, section read as follows: “Every officer or other person authorized to make searches and seizures by this title, shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$200, nor less than \$5.”

#### § 508. Persons making seizures pleading general issue and proving special matter

If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any Act providing for or regulating the collec-

tion of duties on imports or tonnage, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such Act and the special matter in evidence.

(R.S. § 3073.)

#### CODIFICATION

R.S. § 3073 derived from act Mar. 2, 1799, ch. 22, § 71, 1 Stat. 678.

#### **§§ 509 to 521. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 602–614, 42 Stat. 984–987, related to pleading, procedure and disposition of seized articles or proceeds therefrom.

Provisions of Tariff Act of 1930 corresponding to section 509, see section 1602 of this title; section 510, see section 1603 of this title; section 511, see section 1604 of this title; section 512, see section 1605 of this title; section 513, see section 1606 of this title; section 514, see section 1607 of this title; section 515, see section 1608 of this title; section 516, see section 1609 of this title; section 517, see section 1610 of this title; section 518, see section 1611 of this title; section 519, see section 1612 of this title; section 520, see section 1613 of this title; section 521, see section 1614 of this title.

#### **§§ 522 to 524. Repealed. Aug. 27, 1935, ch. 740, § 308, 49 Stat. 880**

Sections, act Mar. 3, 1925, ch. 438, §§ 1–3, 43 Stat. 1116, as amended by act May 27, 1930, ch. 342, § 9, 46 Stat. 430, related to summary forfeiture of vessels or vehicles.

#### **§ 525. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Section, act Sept. 21, 1922, ch. 356, title IV, § 615, 42 Stat. 987, related to burden of proof in proceedings for forfeiture of seized property. Corresponding provisions of Tariff Act of 1930, see section 1615 of this title.

#### **§ 526. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(28), 70 Stat. 948**

Section, R.S. § 3089, related to costs of prosecution. See section 1613(1) of this title.

#### **§ 527. Sums received from fines and other receipts covered into Treasury**

Except as otherwise provided by law, all sums received from fines, penalties, and forfeitures, connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services, shall be covered into the Treasury as are other miscellaneous receipts.

(Mar. 4, 1907, ch. 2918, § 1, 34 Stat. 1315.)

#### **§ 528. Appropriate customs officer to receive amount recovered**

The appropriate customs officer within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is authorized to receive from the court within which trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law.

(R.S. § 3087; June 17, 1930, ch. 497, title IV, § 604, 46 Stat. 754; Pub. L. 91–271, title III, § 319, June 2, 1970, 84 Stat. 293.)

#### CODIFICATION

This section was derived from R.S. § 3087, which, however, contained a further provision requiring collectors to cause suits to be commenced without delay and prosecuted to effect. That provision was omitted as inconsistent with section 604 of act Sept. 21, 1922, ch. 356, 42 Stat. 984, constituting former section 511 of this title. Act Sept. 21, 1922, was repealed by act June 17, 1930, but section 604 of the latter Act, constituting section 1604 of this title, reenacted section 604 of the former Act.

#### AMENDMENTS

1970—Pub. L. 91–271 substituted reference to the appropriate customs officer for reference to the collector.

#### EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91–271, see section 203 of Pub. L. 91–271, set out as a note under section 1500 of this title.

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, are under Department of the Treasury.

#### **§ 529. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Section, act Sept. 21, 1922, ch. 356, title IV, § 616, 42 Stat. 987, related to compromise of claims. See section 1915 of Title 18, Crimes and Criminal Procedure.

#### **§ 530. Omitted**

#### CODIFICATION

Section, act Jan. 22, 1875, ch. 22, 18 Stat. 303, which provided for dismissal of proceedings, related to act June 22, 1874, ch. 391, § 19, 18 Stat. 190, which was repealed by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

#### **§§ 531 to 534. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930**

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 617–620, 42 Stat. 987, 988, related to remission or mitigation of fines, penalties, or forfeitures, and compensation of informers and United States officers.

Provisions of Tariff Act of 1930 corresponding to section 531, see section 1617 of this title; section 532, see section 1618 of this title; section 533, see section 1619 of this title; section 534, see section 1620 of this title.

#### **§ 535. Compulsory production of books, invoices, or papers**

In all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or

paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid.

(June 22, 1874, ch. 391, § 5, 18 Stat. 187.)

#### CONSTITUTIONALITY

This section held unconstitutional as applied to a suit to enforce a forfeiture decided to be criminal in its nature in *Boyd v. U.S.* ((1886), 116 U.S. 616, 6 S. Ct. 524, 29 U.S. (L. Ed.) 746.)

#### § 536. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 621, 42 Stat. 988, related to limitation of actions for penalties or forfeitures. Corresponding provisions of Tariff Act of 1930, see section 1621 of this title.

#### § 537. Officers, informers, and defendants as witnesses

No officer, or other person entitled to or claiming compensation under any provision of Act June 22, 1874 (chapter 391, 18 Statutes 188) shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

(June 22, 1874, ch. 391, § 8, 18 Stat. 188.)

#### REFERENCES IN TEXT

Section 4 of Act June 22, 1874, referred to in text, providing for compensation to officers of the customs or other persons detecting goods being smuggled, was repealed by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989. For corresponding provisions in the Tariff Act of 1930, see section 1619 of this title.

#### §§ 538, 539. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 622, 623, 42 Stat. 988, related to extensions of time and general rules and regulations.

Provisions of Tariff Act of 1930 corresponding to section 538, see section 1318 of this title; section 539, see section 1624 of this title.

#### § 540. President may use suitable vessels for enforcing customs laws

In the execution of laws providing for the collection of duties on imports and tonnage, the President, in addition to the Coast Guard vessels in service, may employ in aid thereof such other suitable vessels as may, in his judgment, be required.

(R.S. § 5318; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 496, 561.)

#### CODIFICATION

R.S. § 5318 derived from act July 13, 1861, ch. 3, § 7, 12 Stat. 257.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“Coast Guard vessels” substituted in text for “revenue-cutters”, the Revenue Cutter Service and the Life-Saving Service having been combined to form the Coast Guard by section 1 of act Jan. 28, 1915. That act was repealed by section 20 of act Aug. 4, 1949, section 1 of which reestablished the Coast Guard by enacting Title 14, Coast Guard.

#### DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by this section, see section 1(i) of Ex. Ord. No. 10289, Sept. 17, 1951, 16 F.R. 9499, as amended, set out as a note under section 301 of Title 3, The President.

#### §§ 541, 542. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(29), (30), 70 Stat. 948

Section 541, R.S. § 2763, authorized use of small boats for use of customs officials.

Section 542, act Feb. 10, 1913, ch. 35, 37 Stat. 665, authorized Secretary of the Treasury to use the motorboat provided for Corpus Christi, Texas.

#### PART 6—GENERAL PROVISIONS

#### §§ 571 to 573. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §§ 320, 321, title IV, § 641, 42 Stat. 947, 989, related to provisions as to effect of repeals, Treaty with Cuba and certain laws unaffected.

Provisions of Tariff Act of 1930 corresponding to section 571, see section 1651(c) of this title; section 572, see section 1316 of this title; section 573, none.

#### § 574. Exemption from taking other oaths

Nothing contained in title 34 of the Revised Statutes shall be construed to exempt the mas-

ters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States.

(R.S. § 3094.)

#### REFERENCES IN TEXT

Title 34 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 34 of the Revised Statutes, consisting of R.S. §§ 2517 to 3129. For complete classification of R.S. §§ 2517 to 3129 to the Code, see Tables.

#### CODIFICATION

R.S. § 3094 derived from act Mar. 2, 1799, ch. 22, § 110, 1 Stat. 703.

#### §§ 575, 576. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 645, 647, 42 Stat. 990, related to effect of partial invalidity and citation of chapter.

Provisions of Tariff Act of 1930 corresponding to section 575, see section 1652 of this title.

#### § 577. Repealed. Oct. 31, 1951, ch. 655, § 56(d), 65 Stat. 729

Section, act Mar. 8, 1902, ch. 140, § 8, 32 Stat. 55, made, “except as otherwise provided by law”, the provisions of subtitle IV of this chapter applicable to all articles coming into the United States from the “Philippine Archipelago”. Prior to this repeal, it had been omitted in view of the independence of the Philippines.

#### SAVINGS PROVISION

Subsec. (l) of section 56 of act Oct. 31, 1951, provided that the repeal of this section shall not affect any rights or liabilities existing hereunder on the effective date of such repeal [Oct. 31, 1951.].

#### § 578. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act May 29, 1928, ch. 852, § 708, 45 Stat. 881, related to definition of motor boat.

#### § 579. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(32), 70 Stat. 948

Section, R.S. § 960, provided that in a suit on bond for the recovery of duties the court should grant judgment unless defendant made an oath that an error was committed in the liquidation of the duties demanded. See section 1514 of this title.

#### § 580. Interest in suits on bonds for recovery of duties

Upon all bonds, on which suits are brought for the recovery of duties, interest shall be allowed, at the rate of 6 per centum a year, from the time when said bonds became due.

(R.S. § 963.)

#### CODIFICATION

R.S. § 963 derived from act Mar. 2, 1799, ch. 22, § 65, 1 Stat. 676.

Section was formerly classified to section 787 of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, § 1, 62 Stat. 869.

### CHAPTER 4—TARIFF ACT OF 1930

#### SUBTITLE I—HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Sec.

1202. Harmonized Tariff Schedule.

Sec.

#### SUBTITLE II—SPECIAL PROVISIONS

##### PART I—MISCELLANEOUS

1301 to 1303. Repealed or Omitted.

1304. Marking of imported articles and containers.

- (a) Marking of articles.
- (b) Marking of containers.
- (c) Marking of certain pipe and fittings.
- (d) Marking of compressed gas cylinders.
- (e) Marking of certain manhole rings or frames, covers, and assemblies thereof.
- (f) Marking of certain coffee and tea products.
- (g) Marking of spices.
- (h) Marking of certain silk products.
- (i) Additional duties for failure to mark.
- (j) Delivery withheld until marked.
- (k) Treatment of goods of NAFTA country.
- (l) Penalties.

1305. Immoral articles; importation prohibited.

- (a) Prohibition of importation.
- (b) Enforcement procedures.
- (c) Institution of forfeiture proceedings.
- (d) Stay of forfeiture proceedings.
- (b) Coordination of forfeiture proceedings with criminal proceedings.
- (c) Stay on motion.

1306. Repealed.

1307. Convict-made goods; importation prohibited.

1308. Prohibition on importation of dog and cat fur products.

- (a) Definitions.
- (b) Prohibitions.
- (c) Penalties and enforcement.
- (d) Publication of names of certain violators.
- (e) Reports.

1309. Supplies for certain vessels and aircraft.

- (a) Exemption from customs duties and internal-revenue tax.
- (b) Drawback.
- (c) Articles removed in, or returned to, the United States.
- (d) Reciprocal privileges.

1310. Free importation of merchandise recovered from sunken and abandoned vessels.

1311. Bonded manufacturing warehouses.

1312. Bonded smelting and refining warehouses.

- (a) Bond; charges against bond.
- (b) Cancellation of charges against bond.
- (c) Allowance on bond for wastage of metals.
- (d) Credit for exportation of product other than refined metal.
- (e) General bond for two or more warehouses.
- (f) Definitions.
- (g) Supervision and cost of labor under this section.

1313. Drawback and refunds.

- (a) Articles made from imported merchandise.
- (b) Substitution for drawback purposes.
- (c) Merchandise not conforming to sample or specifications.
- (d) Flavoring extracts; medicinal or toilet preparations; bottled distilled spirits and wines.
- (e) Imported salt for curing fish.
- (f) Exportation of meats cured with imported salt.
- (g) Materials for construction and equipment of vessels built for foreigners.
- (h) Jet aircraft engines.
- (i) Time limitation on exportation.
- (j) Unused merchandise drawback.
- (k) Use of domestic merchandise acquired in exchange for imported merchandise of same kind and quality.